



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,412	07/29/2003	Min Jang	K-0525	6321
34610	7590	08/06/2007		
KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER YUEN, KAN	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

5

Office Action Summary	Application No. 10/628,412	Applicant(s) JANG, MIN	
	Examiner Kan Yuen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,12-14,16-18,20,22-26 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,12-14,16-18,20,22-26 and 28-29 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-5, 12-14, 16-18, 20, 22-26, 28-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 3, 25, 26 are objected to because of the following informalities:

Claim 3 is being objected to, because it is depending on a cancelled claim 2.

Therefore claim 3 is automatically depended on claim 1.

In claim 25, line 5, the term "ore" is invalid. One suggestion by examiner is to change the term "ore" to "more". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2616

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 12-14, 16-18, 20, 23-25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi (Pub No. 2001/0015975), in view of Egan et al. (Pat No.: 6937572).

For claim 1, Kikuchi disclosed the method of determining if a target IP address is an active address if the target IP address is an active address, determining if a packet call corresponding to the target IP address exists in a packet data protocol context database (see paragraph 0063, lines 1-4, and 0064, lines 1-2). The second device keep track of user who logged-out of the system. Therefore, we can determine that the second device has the capability to determine if a user associated with the ID number or IP address exist in the database or not, and if the user is not in the database, then we can consider it as active. Each user has an ID number associated with them (see paragraph 0013, lines 1-6). The communicating device can be anything from wired to wireless (see paragraph 0100, lines 1-5); if the target IP address does not exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address and performing at least one of a tracing or monitoring operation for the packet call or target IP address based on the set trigger flag (see paragraph 0061, lines 1-4); and (Kikuchi see paragraph 0066, lines 1-4). The second device determines the user is set with a flag, and starts the monitoring. However, Kikuchi did not explicitly disclose the method of a packet call. Egan from the same or similar fields of endeavor teaches the method of each VOIP user has an associated IP address for call monitoring. Thus, it

Art Unit: 2616

would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Egan et al. in the network of Kikuchi. The motivation for using the method as taught by Egan et al. in the network of Kikuchi being that the system can increase the safety and security for users in the network.

Regarding claim 3, Egan et al. disclosed the method of a static Internet protocol address; or a dynamically allocated Internet protocol address (see column 3, lines 29-40).

Regarding claim 4, Egan et al. disclosed the method of the searching is responsive to a request from a network management center including identification of the network address (see column 4, lines 25-35).

Regarding claim 5, Egan et al. disclosed the method of the request from the network management center is responsive to a request from an Internet protocol network including identification of the network address (see column 4, lines 25-35).

Regarding claim 12, Kikuchi disclosed the method of if it is determined that the target IP address exists in the packet data protocol context database, then performing at least one of tracing or monitoring of the packet call or the target IP address without setting said trigger flag for the target IP address (see paragraph 0057, lines 1-4, and see paragraph 0058, lines 1-3). If the monitoring parameter designated to a user existed in memory, the second device sends request to the third device for monitoring.

Regarding claim 13, Egan et al. disclosed the method of transmitting results of the at least one of tracing or monitoring the target IP address (see column 4, lines 25-40).

Regarding claim 14, Egan et al. disclosed the method of the transmitting is to a network management center (see column 4, lines 25-40).

Regarding claim 16, Egan disclosed the method of a serving GPRS support node implements one or more of the determining, setting, or performs steps (see paragraph 0043, lines 1-12, and see fig. 1). The packet monitoring device 5 which implements first can be considered as a serving GPRS node.

Regarding claim 17, Egan et al. disclosed the method of a gateway GPRS support node implements one or more of the determining, setting, or performs steps (see paragraph 0043, lines 1-12, and see fig. 1). The packet monitoring device 6 which implements second and third memories and analyzer for monitoring can be considered as a Gateway GPRS node.

Regarding claim 18, Egan et al. disclosed the method of for tracing or monitoring a packet call of a mobile communication subscriber who has connected to the Internet protocol network through the interface (see column 3, lines 29-40). However, Egan et al. did not disclose the method of check if a target IP address is an active address; if the target IP address is an active address, determining if a packet call corresponding to the target IP address exists in a packet data protocol context database; if the target IP address does not exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address and tracing or monitoring the packet call based on the set trigger flag. Kikuchi from the same or similar fields of endeavor teaches the method of check if a target IP address is an active address; if the target IP address is an active address, determining if a packet call corresponding to the target IP address exists

Art Unit: 2616

in a packet data protocol context database (see paragraph 0063, lines 1-4, and 0064, lines 1-2). The second device keep track of user who logged-out of the system.

Therefore, we can determine that the second device has the capability to determine if a user associated with the ID number or IP address exist in the database or not, and if the user is not in the database, then we can consider it as active. Each user has an ID number associated with them (see paragraph 0013, lines 1-6). The communicating device can be anything from wired to wireless (see paragraph 0100, lines 1-5); if the target IP address does not exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address and tracing or monitoring the packet call based on the set trigger flag (see paragraph 0061, lines 1-4); and (Kikuchi see paragraph 0066, lines 1-4). When the second device determines the user is set with a flag, which triggers the monitoring. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Egan et al. in the network of Kikuchi. The motivation for using the method as taught by Egan et al. in the network of Kikuchi being that the system can increase the safety and security for users in the network.

Regarding claim 20, Egan et al. disclosed the method of transmitting a target Internet protocol (IP) address subject to a request for tracing or monitoring to the network management center of the mobile communication system; requesting packet call tracing or monitoring of the target IP address to the SGSN (see column 3, lines 47-55). The requesting device sends a request to the terminal proxy server network monitoring. Therefore, we can interpret the terminal proxy server as the SGSN; tracing

Art Unit: 2616

or monitoring in the SGSN, the packet call of the target IP address (see column 4, lines 25-32); and transmitting a result of the packet call tracing or monitoring to the network management center, wherein said tracing or monitoring includes (see column 4, lines 32-38). However, Egan did not disclosed the method of checking whether the target IP address is an effective IP address in a network to which a corresponding subscriber belongs; if it is checked that the target IP address is the effective IP address, activating the call tracing or monitoring of the target IP address. Kikuchi from the same or similar fields of endeavor teaches the method of checking whether the target IP address is an effective IP address in a network to which a corresponding subscriber belongs (see paragraph 0063, lines 1-4, and 0064, lines 1-2). The second device keep track of user who logged-out of the system. Therefore, we can determine that the second device has the capability to determine if a user associated with the ID number or IP address exist in the database or not, and if the user is not in the database, then we can consider it as effective. Each user has an ID number associated with them (see paragraph 0013, lines 1-6). The communicating device can be anything from wired to wireless (see paragraph 0100, lines 1-5); and if it is checked that the target IP address is the effective IP address, activating the call tracing or monitoring of the target IP address (see paragraph 0066, lines 1-4). When the second device determines the user is set with a flag or effective, then it starts the monitoring. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Egan et al. in the network of Kikuchi. The motivation for using the method as taught by Egan

et al. in the network of Kikuchi being that the system can increase the safety and security for users in the network.

Regarding claim 23, Egan et al. disclosed the method of judging whether the packet call having the target IP address exists in a packet data protocol context database stored in the SGSN (see column 4, lines 25-35);

Regarding claim 24, Egan et al. disclosed the method of transmitting a target Internet protocol (IP) address subject to a request for tracing or monitoring to a network management center; requesting packet call tracing or monitoring of the target IP address to an SGSN (see column 3, lines 47-55). The requesting device sends a request to the terminal proxy server network monitoring. Therefore, we can interpret the terminal proxy server as the SGSN; tracing or monitoring the packet call of the target IP address (see column 4, lines 25-32); and transmitting a result of the packet call tracing or monitoring to the network management center, wherein said call tracing or monitoring of the target IP address is activated (see column 4, lines 32-38). However, Egan et al. did not disclosed the method of determining that the packet call having the target IP address does not exist in a packet data protocol context database; setting a trigger flag of the target IP address; if the packet call having an IP address with the set trigger flag exists in the packet data protocol context database, starting the packet call tracing or monitoring of the target IP address. Kikuchi from the same or similar fields of endeavor teaches the method of determining that the packet call having the target IP address does not exist in a packet data protocol context database (see paragraph 0063, lines 1-4, and 0064, lines 1-2). The second device keep track of user who logged-out of the

Art Unit: 2616

system. Therefore, we can determine that the second device has the capability to determine if a user associated with the ID number or IP address exist in the database or not. Each user has an ID number associated with them (see paragraph 0013, lines 1-6). The communicating device can be anything from wired to wireless (see paragraph 0100, lines 1-5); setting a trigger flag of the target IP address (see paragraph 0061, lines 1-4); and if the packet call having an IP address with the set trigger flag exists in the packet data protocol context database, starting the packet call tracing or monitoring of the target IP address (see paragraph 0066, lines 1-4). When the second device determines the user is set with a flag, which triggers the monitoring. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Egan et al. in the network of Kikuchi. The motivation for using the method as taught by Egan et al. in the network of Kikuchi being that the system can increase the safety and security for users in the network.

Regarding claim 25, Kikuchi disclosed the method of checking whether a request or change of the packet call has occurred (see paragraph 0058, lines 1-4). The request for monitoring was made based on the monitoring parameters; checking whether a request for release of the packet call has been made; or checking whether a protocol which involves one or messages have been transmitted between the SGSN and a mobile station (see paragraph 0038, lines 1-5). The packet monitoring device monitors the packet transmitted and received through the channel 3.

Regarding claim 28, Egan disclosed the method of inactivating the packet call tracing or monitoring after a predetermined period of time (see paragraph 0067, lines 1-5).

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi (Pub No. 2001/0015975), in view of Egan et al. (Pat No.: 6937572), as applied to claim 20 above, and further in view of Kuo (Pat No.: 5959976).

For claim 22, Kikuchi and Egan et al. disclosed all the subject matter of the claimed invention with the exception of if it is checked that the target IP address is not the effective IP address in the network to which the corresponding subscriber belongs, returning the system to a state before the request for tracing and monitoring of the target IP address is produced in the IP network (see column 5, lines 43-48). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Kuo in the network of Kikuchi and Egan et al. The motivation for using the method as taught by Kuo in the network of Kikuchi and Egan et al. being that the network can increase the convenience for monitoring targeted user.

Art Unit: 2616

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi (Pub No. 2001/0015975), in view of Egan et al. (Pat No.: 6937572), as applied to claim 20 above, and further in view of Haumont et al. (Pat No.: 7023825).

For claim 26, Kikuchi and Egan et al. disclosed all the subject matter of the claimed invention with the exception of the one or more messages transmitted between the SGSN and the mobile station includes at least one of an active packet data protocol (PDP) context request message that is transmitted from the mobile station to the SGSN or an active PDP context request response message that is transmitted from the SGSN to the mobile station. Haumont et al. from the same or similar fields of endeavor teaches the method of the one or more messages transmitted between the SGSN and the mobile station includes at least one of an active packet data protocol (PDP) context request message that is transmitted from the mobile station to the SGSN or an active PDP context request response message that is transmitted from the SGSN to the mobile station (see column 16, lines 61-67, and see column 17, lines 1-25). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Haumont et al. in the network of Kikuchi and Egan et al. The motivation for using the method as taught by Haumont et al. in the network of Kikuchi and Egan et al. being that the simultaneous communication between the mobile and SGSN can increase the convenience for user monitoring service.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi (Pub No. 2001/0015975), in view of Egan et al. (Pat No.: 6937572), as applied to claim 20 above, and further in view of Miettinen et al. (Pat No.: 6754834).

For claim 29, Kikuchi and Egan et al. both disclosed all the subject matter of the claimed invention with the exception of receiving input of the target IP address subject to inactivation through the network management center; checking whether the packet call tracing or monitoring of the target IP address is in an active state; and if it is checked that the packet call tracing or monitoring of the target IP address is in the active state, terminating the activation and transmitting a result of the inactivation. Miettinen et al. from the same or similar fields of endeavor teaches the method of receiving input of the target IP address subject to inactivation through the network management center; checking whether the packet call tracing or monitoring of the target IP address is in an active state; and if it is checked that the packet call tracing or monitoring of the target IP address is in the active state, terminating the activation and transmitting a result of the inactivation (see column 6, lines 12-26). The system can also request to remove user identities or subscriber numbers or IP address for monitoring. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Miettinen et al. in the network of Kikuchi and Egan et al. The motivation for using the method as taught by Miettinen et al. in the network of Kikuchi and Egan et al. being that the simultaneous communication between the mobile and SGSN can improve the reliability of monitoring based on the active or inactive state of a user.

Allowable Subject Matter

9. Claims 30, 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art failed to teach the method of if it is checked that the packet call tracing or monitoring corresponding to the target IP address is in the inactive state, checking whether a trigger flag for the tracing and monitoring of the target IP is set; and if it is checked that the trigger flag is set, removing the trigger flag and terminating tracing or monitoring of the packet call of the target IP address, as recited in claim 30.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kent (Pat No.: 5659881), and Baker, Jr. et al. (Pat No.: 4942602), are show systems which considered pertinent to the claimed invention.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2616

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kan Yuen whose telephone number is 571-270-2413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ky


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER